

United States District Court  
for the  
Northern District of Georgia  
Atlanta Division

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U.S.D.C. - Atlanta

AUG 26 2019

By: JAMES N. HATTEN, Clerk  
NB Deputy Clerk

Naeema James  
Plaintiff,

v

Case Number:

**1:19-CV-3831**

DeKalb County School District  
Defendant,

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

See attached.

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U.S.D.C. - Atlanta

AUG 26 2019

United States District Court Northern District of Georgia  
Atlanta, Georgia

By: JAMES N. HATTEN, Clerk  
Deputy Clerk

Naeema James  
5660 Tunbridge Wells Road  
Lithonia, GA 30058  
(678) 678-654-2389  
[naeemajames@hotmail.com](mailto:naeemajames@hotmail.com)  
Plaintiff, in Proper Person

Naeema James,  
Plaintiff,

CASE NO.:

DEPT NO.:

**1:19-CV-3831**

Vs.

Dekalb County School District  
1701 Mountain Industrial Boulevard  
Stone Mountain, GA 30083  
Defendant,

COMPLAINT

Plaintiff, Naeema James, in proper person, complains against defendants, Dekalb County Schools, as follows:

PARTIES

1. Plaintiff, Naeema James is an individual who is currently, and was at all relevant times herein, a resident of the State of Georgia, County of Dekalb, City of Lithonia.

2. Defendant, Dekalb County School District is a public school system organized and existing by virtue of the laws of the State of Georgia, and may be served with process by service upon its school superintendent, Dr. Stephen Green,  
1701 Mountain Industrial Boulevard, Stone Mountain, GA 30083.

All of the acts and/or failures to act alleged herein were duly performed by and/or are attributable to defendants, individually or acting by and through their agents and employees. Said acts and/or failures to act were within the scope of any agency or employment, or were ratified by defendants.

## II. FACTS

1. Plaintiff, Naeema James is the mother of Aakil James, a nonverbal, autistic special needs child.
2. Defendant Dekalb County School District is located at 1701 Mountain Industrial Boulevard, Stone Mountain, GA 30083
3. On October 1, 2018, Plaintiffs special needs son returned home from Dekalb County School District's Department of Exceptional Education's program at Pine Ridge Elementary School, located at 750 Pine Ridge Dr, Stone Mountain, GA 30087 with an injury on his back.

4. We immediately returned him to the school to inquire about the injury. We were ushered to a back conference room by Pine Ridge Elementary School principal, Annette Maclin. The Exceptional Education team consisting of Lead Teacher, Dawana Ball, Paraprofessional, Margaret Woodson, and Paraprofessional Derwin McNealy were summoned to the conference room.
5. When none of the Pine Ridge Elementary School staff could explain what the injury was or how it happened, we took Aakil James to the emergency room at Children's Healthcare of Atlanta, located at 1405 Clifton Rd, Atlanta, GA 30322.
6. Dr. Tamar D. Robison diagnosed the injury on Aakil's back as a second degree burn.
7. On October 2, 2018 we returned to Pine Ridge Elementary School with the medical record from Children's Healthcare of Atlanta.
8. Since the Pine Ridge Elementary School staff said that they did not know how the second degree burn occurred, my husband, McNeal James Sr. and I, Naeema James requested to see the video footage of Aakil James' whereabouts at Pine Ridge Elementary School on October 1, 2018.

I, Naeema James, demand a jury trial to address Dekalb County School District's violation(s) of Freedom of Information Act 5 U.S.C. § 552.

FREEDOM OF INFORMATION ACT 5 U.S.C. §552 VIOLATIONS

1. On October 2, 2018 I emailed Lead Special Education Teacher Dawana Ball requesting all of Aakil's Interactions on October 1, 2018. Ms. Ball never responded. Aakil was under the care of Ms. Ball for the 2017-2018 school year as well. This is the first and only time that Ms. Ball has not responded to any correspondence from me.
2. An internal investigation was conducted by Sergeant Kerwin Hughes of the Dekalb County School District Office of Public Safety. Sergeant Kerwin Hughes of the Dekalb county Office of Public Safety concluded his report, "After gathering information, interviewing witness and looking at surveillance footage of the victim arriving to school and leaving school on 10/01/2018, I did not find any evidence to file any charges."
3. In contrast, the investigation conducted by the Department of Family and Children Services stated, "The sergeant also reports that there is no camera footage regarding the child."
4. On November 29, 2018 I emailed Sergeant Kerwin Huges a request to view said surveillance footage. I never received a response from him.
5. On December 6, 2018 I emailed Director of Public Safety, Bradley Gober a request to view the surveillance footage that Sergeant Hughes mentioned in his report. I never received a response from Mr. Gober.
6. On or about December 7, 2018 I was contacted by Sergeant Casey of D.C.P.S. Office of Public Safety. I returned Sergeant Casey's missed call on December 10, 2018. Sergeant Casey informed me that the video had not been preserved, as the system had erased it since the incident occurred over two months ago.

7. On or about April 14, 2019 a demand letter requesting said surveillance video as well as all electronically stored information regarding this incident was sent to Dr. Stephen Green, located at 1701 Mountain Industrial Boulevard, Stone Mountain, GA 30083. A copy of this demand letter was also sent to Pine Ridge Elementary School principal, Annette Maclin, located at 750 Pine Ridge Dr, Stone Mountain, GA 30087. This request has also been ignored.

CONCLUSION

Our requests for the surveillance footage mentioned in Sergeant Kerwin Hughes' report continue to be ignored. This is a violation of the Georgia Open Records Act O.C.G.A. § 50-18-70 et seq. The Freedom of Information Act, and The Family Educational Rights and Privacy Act (*FERPA*) (20 U.S.C. § 1232g; 34 CFR Part 99). This is also a violation of the 1<sup>st</sup> Amendment of the United States Constitution right "to petition the government for a redress of grievances."

This is also a violation of the 14<sup>th</sup> Amendment of the United States Constitution.

As a result, I am requesting a jury trial to address the violations of the Freedom of Information Act 5 U.S.C. § 552 committed by the Dekalb County School District.

Haeema James